

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:20-CV-00276-KDB-DSC**

MANUEL ROLDAN,

Plaintiff,

v.

**BLAND LANDSCAPING
COMPANY, INC.,**

Defendant.

ORDER

This matter is before the Court on the Consent Motion to Approve Settlement with Omitted Class Member Brandon Harmon. (Doc. No. 70). On December 19, 2022, this Court granted Plaintiff's Unopposed Motion for Final Approval, (Doc. No. 68), and finally approved the settlement as set forth in the Parties' Revised Stipulation and Settlement Agreement. (Doc. No. 63-1). Mr. Harmon, who was employed as a foreman for Defendant Bland Landscaping Company, Inc. was inadvertently omitted from the list of potential class members Bland Landscaping provided to Class Counsel and the Settlement Administrator for the purpose of sending notice approved by the Court's Order granting preliminary approval of the settlement. (Doc. No. 64). Bland Landscaping worked with Class Counsel and Mr. Harmon to reach a proposed resolution supplementing the final settlement to include Mr. Harmon. This includes Bland Landscaping paying the additional amount of \$8,330.28 into the Gross Settlement Fund, representing the pro rata share to which Mr. Harmon would be entitled using the same formula applicable to the other class members previously approved by the Court. In exchange, Mr. Harmon has agreed to waive certain rights detailed in his declaration and to be treated in all respects as a Member of the Class.

The Court believes the resolution to be fair, reasonable, and appropriate. Therefore, the Court GRANTS the motion and ORDERS as follows:

1. The Court approves the settlement with Mr. Harmon under the Fair Labor Standards Act and Fed. R. Civ. P. 23 on the same grounds as stated in its prior order. (Doc. No. 68). Mr. Harmon is bound by the settlement and the Court's Order (Doc. No. 68), including the release provisions of both;

2. Assuming Defendant Bland Landscaping has complied and made all settlement payments into the Qualified Settlement Fund ("QSF"), as administered by the Settlement Administrator, and consistent with the Court's December 19, 2022, final approval Order, within five days, Bland Landscaping shall pay an additional \$8,330.28 to the Settlement Administrator, plus any other applicable amounts under the settlement agreement;

3. This Court retains jurisdiction over this action for the purpose of enforcing the Revised Settlement Agreement, including this supplementation of the Agreement and overseeing the distribution of settlement funds; and

4. The Parties shall abide by all terms of the Revised Settlement Agreement, which are incorporated here, and this Order.

IT IS SO ORDERED.

Signed: March 7, 2023



Kenneth D. Bell
United States District Judge

